

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED

August 31, 2020

David J. Bradley, Clerk

MARVIN L. WINDOM,

Petitioner,

v.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. H-20-678

ORDER

The petitioner, Marvin L. Windom, an inmate in the Texas Department of Criminal Justice, seeks a writ of habeas corpus under 28 U.S.C. § 2254. He is representing himself.

The respondent moved for summary judgment. Windom has moved for an extension of time to respond to the motion, and he has also moved for appointment of counsel.

Habeas corpus proceedings in federal court are civil actions; there is generally no constitutional right to the assistance of counsel. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) (“Our cases establish that the right to appointed counsel extends to the first appeal of right, and no further.”); *see also Fairman v. Anderson*, 188 F.3d 635, 642 (5th Cir. 1999) (explaining that “there is no constitutional right to counsel on habeas review”). Windom does not identify any circumstances requiring appointment of counsel in this case.

Windom’s motion for appointment of counsel, (Docket Entry No. 12), is **denied**. Windom’s motion for an extension of time, (Docket Entry No. 11), is **granted**. Windom must respond to the motion for summary judgment by November 5, 2020.

SIGNED on August 31, 2020, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge